

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1497

H.P. 1024

House of Representatives, April 11, 1991

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RUHLIN of Brewer.

Cosponsored by Representative TARDY of Palmyra, Representative GARLAND of Bangor and Representative CONSTANTINE of Bar Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Increase Distributor Acceptance of Beverage Containers and
to Clarify the Sorting Obligations of Contracted Agents.**



Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 32 MRSA §1866, sub-§5, ¶B**, as enacted by PL 1989, c. 869, Pt. C, §5 and affected by §15, is amended to read:

6 B. The initiator of the deposit under section 1863,
8 subsection 2-B has the obligation to pick up any empty,
10 unbroken and reasonably clean beverage containers of the
12 particular kind, size and brand sold by the initiator from
14 dealers to whom a distributor has sold those beverages and
16 from licensed redemption centers designated to serve those
18 dealers pursuant to an order entered under section 1867.
20 The obligation may be fulfilled by the initiator directly or
22 indirectly through a contracted agent. If a contracted
24 agent fulfills the obligations of more than one initiator,
26 the contracted agent has the obligation to sort any beverage
28 containers picked up by that agent by brand.

30 **Sec. 2. 32 MRSA §1866, sub-§5, ¶C** is enacted to read:

32 C. Notwithstanding paragraphs A and B, a distributor has
34 the obligation to pick up any empty, unbroken and reasonably
36 clean beverage containers of any kind and size in which a
38 brand of beverage is sold, whether or not the distributor
40 sells that kind and size of beverage container, from dealers
42 to whom that distributor has sold beverages of that brand
 and from licensed redemption centers designated to serve
 those dealers pursuant to an order under section 1867.

STATEMENT OF FACT

34 This bill provides that if a contracted agent performs the
36 pick-up obligation of a beverage distributor, the contracted
38 agent is responsible for sorting the beverage containers by
40 brand. The bill also provides that a distributor has the
42 obligation to pick up beverage containers of any kind and size in
 which a particular brand of beverage is sold even if the
 distributor does not sell all sizes and kinds of beverage
 containers of that brand.